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Testimony of

Speaker Pro Tempore Ron Reagan, Florida House of Representatives

Before the

**Transportation and Infrastructure Committee,
Subcommittee on Highways and Transit**

Regarding

Utilization and Impacts of Automated Traffic Enforcement

June 30, 2010

Good morning Chairman DeFazio, Ranking Member Duncan and distinguished members of the Transportation and Infrastructure Committee's Subcommittee on Highways and Transit. Thank you for inviting me to testify this morning on Utilization and Impacts of Automated Traffic Enforcement.

On May 14, 2010 the Uniform Traffic Control/The Mark Wandall Traffic Safety Act was signed into law in the State of Florida. This piece of legislation was passed overwhelmingly by both the Florida House of Representatives and the Florida Senate. HB 325 will both save lives and curb dangerous habitual driving behavior.

I have enclosed independent public opinion polls, the legislation, and letters to the editor that encompass the topic of automated traffic enforcement. As you will see, a majority of Floridians overwhelmingly support the use of automated enforcement at intersections across Florida.

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Florida's Traffic Fatalities

Thousands of Floridians have been killed by drivers who run red lights as part of their normal driving behavior.

- 5,607 Floridians were injured due to drivers that failed to obey traffic signals.
- More than 11% of all pedestrian deaths and at least 17% of all bicycle fatalities across the entire United States occur in Florida (National Highway Traffic Safety Administration).
- Since 2001, Florida has been among the top three states for pedestrian and bicyclist fatalities with the latest numbers showing that 502 pedestrians and 118 bicyclists were killed by dangerous driving behavior (Florida Department of Highway Safety and Motor Vehicles).

Public Opinion

Recent public opinion research shows:

- 72% of Floridians support the use of automated traffic enforcement at intersections.

Added Benefits to Floridians

The Mark Wandall Traffic Safety Act, provides critical funding for medical studies in the form of spinal cord research, makes available funding for Florida trauma centers, and it assists local municipalities that implement this life-saving technology.

Intersection camera programs are designed to use technology as a tool to hearten traffic safety on local roads. Camera programs can effectively and efficiently modify driver's behavior by increasing enforcement. These programs encourage all drivers to follow federal, state, and local traffic laws. The cameras are a proactive solution to reduce preventable deaths, avert serious injuries, and reduce output of funds to respond to accident scenes. Automated enforcement programs mitigate a host of problems that arise on Florida's roads when drivers fail to stop at red lights.

Parameters of *HB 325, Uniform Traffic Control/The Mark Wandall Traffic Safety Act*

The bill creates the "Mark Wandall Traffic Safety Act", and it expressly preempts to the State of Florida the regulation of the use of cameras to enforce the provisions of ch. 316, F.S., and it authorizes the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to use cameras to enforce violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal.

The bill defines a "traffic infraction detector" as a vehicle sensor and a camera, working in connection with a traffic control device, to record a series of images or video of motor vehicles failing to stop at an intersection. The detector must be capable of recording only the rear of the motor vehicle, and any notification or citation issued from a detector must show the license tag of the offending vehicle and the traffic control device.

The bill requires signage at intersections using traffic infraction detectors, and provides that traffic infraction detectors may not be used to enforce violations when the driver is making a right turn in a careful and prudent manner.

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The bill provides processes regarding required notifications, the issuance of citations to registered owners of motor vehicles, and defenses available to vehicle owners. Notifications and citations must include the images indicating that the motor vehicle violated a traffic control device, and must offer a physical location or an Internet address where images or video may be reviewed.

When a citation is issued, it may be challenged in a judicial proceeding in the same manner as other traffic violations. A contested citation upheld by the court may result in additional court costs and fees.

The bill increases the penalty for any violations of s. 316.074(1) or S. 316.075(1)(c)1., F.S., from \$125 to \$158, regardless of the method of enforcement, and provides for distribution of revenue.

Points may not be assessed against a driver's license for infractions enforced by the use of a traffic infraction detector, and violations may not be used for purposes of setting motor vehicle insurance rates.

The bill provides a transitional period for those counties and municipalities instituting a traffic infraction detector program on or before July 1, 2011. These counties and municipalities may continue to use equipment acquired under an agreement entered into on or before July 1, 2011.

Each governmental entity that operates a traffic infraction detector must submit an annual report to the Department of Highway Safety and Motor Vehicles which details the results of the detectors and the procedures for enforcement. The Department of Highway Safety and Motor Vehicles must subsequently submit an annual summary report to the Governor and Legislature. The report must include a review of the information submitted by the counties and municipalities and any recommendations or necessary legislation.

Conclusion

I would like to say, in closing, that Florida HB 325 will keep Florida's first responders from having to go to accident scenes that never needed to occur. This bill will keep Florida's trauma centers from having to perform life saving measures caused by thoughtless drivers who may run red lights as their normal driving pattern. This program will prevent habitual and reckless driving patterns across Florida. This piece of legislation is good public policy. It brings consistency, it mandates uniformity, it encourages public safety, and it is a tool for our over utilized law enforcement officers on Florida's roads.

Thank you for your time. I greatly appreciate you allowing me to share my views and Floridian's opinions with you today.

Sincerely,



Rep. Ron Reagan, Dist 67
Speaker Pro Tempore

Speaker Pro Tempore for the Florida House of Representatives

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